

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|----------------------|---|------------------------|
| FREDERICK HALL, | : | |
| | : | CASE NO. 1:02-cv-34 |
| Petitioner, | : | |
| | : | JUDGE SPIEGEL |
| v. | : | |
| | : | MAGISTRATE JUDGE BLACK |
| ERNIE MOORE, WARDEN, | : | |
| | : | |
| Respondent. | : | |

COMBINED MOTION TO BE PROVIDED WITH HEARING TRANSCRIPTS AT COURT
EXPENSE AND FOR EXTENSION OF TIME TO FILE PETITIONER'S OBJECTIONS

Now comes Frederick Hall, through counsel, and moves this Court to grant a 30-day extension of time until November 23, 2007, to file his Objections to the Supplemental Report and Recommendation filed by the magistrate. No bond has been granted in this case. Petitioner remains in state custody. No previous extensions regarding the filing of the Objections have been requested. A memorandum in support of this motion is attached.

Respectfully submitted,

DAVID H. BODIKER 0016590
Ohio Public Defender

s/Craig M. Jaquith
CRAIG M. JAQUITH 0052997
Assistant State Public Defender
Counsel of Record

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COUNSEL FOR PETITIONER

MEMORANDUM IN SUPPORT

On October 10, 2007, the Magistrate Judge filed a Supplemental Report and Recommendation, recommending that Frederick Hall's petition for habeas corpus be denied. Hall was given 10 days from the date of the Report, or until October 24, 2007, in which to file Objections.

The instant petition was filed in early 2002. The state-court proceedings involved two separate trials, with transcripts prepared for each. Additionally, there was a Report and Recommendation filed herein on March 23, 2004, and there was subsequently an evidentiary hearing held in this Court regarding Hall's *Brady* claim. Hall is not yet in possession of the transcripts (Docs. 41 and 42) from the evidentiary hearing, which transcripts were material to the analysis contained in the Supplemental Report and Recommendation. Hall, whose indigence is established by affidavit and a cashier's statement, completed earlier this year and filed contemporaneously herewith, hereby respectfully requests that he be provided with copies of—or access to—said transcripts, with any associated costs to be borne by the Court.

In addition, undersigned counsel respectfully requests a 30-day extension of time within which to file the Objections in this case. This extension is necessary due to the rather involved procedural history of this case and the size of the record, and to ensure that Hall is afforded effective assistance of counsel. Therefore, Counsel respectfully requests until November 23, 2007—30 days from the present due date—to file the Objections in this case. Counsel for Respondent has been contacted and has no opposition to this request.

Respectfully submitted,

DAVID H. BODIKER 0016590
Ohio Public Defender

s/Craig M. Jaquith

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Assistant State Public Defender
Counsel of Record

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2007, a copy of the foregoing Combined Motion to be Provided with Hearing Transcripts at Court Expense and for Extension of Time to File Petitioner's Objections was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system.

s/Craig M. Jaquith
CRAIG M. JAQUITH 0052997
Assistant State Public Defender

COUNSEL FOR PETITIONER

#266311